

DEC 09 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT****IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 10-90052

ORDER**KOZINSKI**, Chief Judge:

Complainant alleges that a bankruptcy judge improperly refused to sign his proposed order. This charge relates directly to the merits of the judge's decision and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

In addition, complainant alleges that the bankruptcy judge was, "quite frankly, rude" for not better explaining why he didn't sign the proposed order. The proposed order was returned to complainant with a note that the "order will not be signed," citing to a Bankruptcy Code provision. Returning the proposed order with that notation was neither rude nor improper. Because complainant has not alleged behavior "that is prejudicial to the effective and expeditious administration of the business of the courts," this charge must be dismissed. 28 U.S.C. § 351(a); Judicial-Conduct Rule 11(c)(1)(A).

DISMISSED.